

Docket No.: 3449-0310P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Mi Ae CHOI

Application No.: 10/790,046

Confirmation No.: 9809

Filed: March 2, 2004

Art Unit: 2609

For: DATA BROADCASTING SYSTEM AND  
OPERATING METHOD THEREOF

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Examiner: J. R. Marandi

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges with appreciation the telephone discussions between the Examiner, the Examiner's supervisor and Applicant's representative on September 17 and 19, 2008 regarding the Office Action of September 3, 2008. The Office Action of September 3, 2008 indicated that Applicant's amendment of May 14, 2008 was not entered under a finding of constructive election. During the telephone discussion of September 19, 2008, the Examiners appeared to indicate that Applicant's amendment of May 14, 2008 would be entered upon receipt of a formal letter describing the relationship between the originally examined claims and the claims of Applicant's amendment of May 14, 2008.

Applicant submits that the claims of Applicant's amendment of May 14, 2008 correspond to the originally examined claims, albeit substantially amended in order to more clearly describe and distinctly claim Applicant's invention. In view of the extensive line-in/line-out edits associated with this amendment, for the convenience of the Examiner, Applicant decided to replace the amended claims with a clean set of claims with all line-in/line-out edits incorporated therein.

Briefly recapitulation, original claim 1 recites

A method for operating a data broadcasting system that executes a data broadcast under a client-server environment, the method comprising the steps of:

- (a) downloading a data service table for a specific application at the client;
- (b) providing an advertisement image and concurrently performing a data receiving process with reference to the data service table; and
- (c) executing the specific application using data files extracted through the data receiving process.

New claim 17 corresponds to original claim 1, and recites

A method of operating a data broadcasting system that executes a data broadcast under a client-server environment, the method comprising the steps of:

downloading at a client device a data service table (DST) relating to a specific application;

extracting information relating to the specific application from the DST on the client device;

downloading at the client device individual data sections of the specific application based upon the extracted information;

extracting data from the downloaded individual data sections on the client device;

performing the following sequence of steps on the client device while the individual data sections are being downloaded and extracted;

extracting advertising-image related data from the DST, the advertising-image related data including an advertisement image path;

downloading an advertisement image from the advertisement image path; and

displaying the downloaded advertisement image;

cancelling the step of displaying the advertisement image after all data sections of the specific application are downloaded and extracted by the client device; and

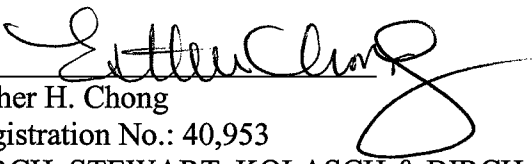
executing the specific application on the client device.

In claim 17, the first steps of downloading and extracting correspond to the step of downloading in claim 1. The following steps of downloading and extracting of claim 17 correspond to the step of providing an advertisement image of claim 1. The steps of performing, cancelling and executing of claim 17 correspond to the step of executing the specific application of claim 1. Similar correspondences exist between original independent system claim 9 and new independent system claim 23. New independent claim 29 is directed to a client device of the system of original claim 9. Applicant's new dependent claims correspond to the original dependent claims and/or to additional features disclosed in Applicant's specification. No new matter is added.

In view of the correspondence between Applicant's original claims and Applicant's amended claims, Applicant requests entry of Applicant's amendment of May 14, 2008.

Dated: October 1, 2008

Respectfully submitted,

By   
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# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,046	03/02/2004	Mi Ae Choi	3449-0310P	9809
2292 7590 09/03/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MARANDI, JAMES R	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			09/03/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

DOCKETED  
response  
10-3-08

<b>Office Action Summary</b>	<b>Application No.</b> 10/790,046	<b>Applicant(s)</b> CHOI, MI AE	
	<b>Examiner</b> JAMES R. MARANDI	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 14 May 2008.

2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-16 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 17-34 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10790046	3/2/2004	CHOI, MI AE	3449-0310P

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

## EXAMINER

JAMES R.. MARANDI

ART UNIT	PAPER
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2623

20080821

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

Newly submitted claims 17-34 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Applicant has cancelled claims 1-16 and presented a new set of claims 17-34. In newly added independent claims 17, 23, and 29 applicant cites a new limitation whereby an *advertisement image path* is introduced and utilized in *downloading of advertisements*. This feature is distinct and independent of limitations previously selected/ claimed by applicant as the images are no longer stored locally, or streamed, or otherwise provided and are now subject to file system and/or path awareness which was not claimed before. These newly added claims further introduce a new limitation whereby *after all data sections of the specific application are downloaded, the step of displaying the advertisement image is cancelled*. This limitation further distinguishes claims 17-34 from cancelled claims 1-16.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/  
Primary Examiner, Art Unit 2623